MORE NEED OF ECONOMY

Circular Letter Is Sent to the Sheriff.

Rigid economy has been exercised in the police department of the Territory since the Executive Council decided upon a pro rata system of expenditures in order to keep within the limit of funds available. If other departments follow the rule laid down by the attorney general's department there need be no further fear as to finances.

Excepting as to the incidental appropriation, the department has been keeping well within the allotted amount, and Attorney General Dole yesterday sent a circular letter to the high sheriff and the sheriffs of the various islands, complimenting them on the fact and urging still more rigid economy. The letter is as follows:

Territory of Hawaii,
Office of the Attorney General,
Honolulu, H. I., June 5, 1902.

Mr. A. M. Brown, High Sheriff of the Territory of Hawaii:

Dear Sir:—The expenses of the department for the ten months ending April 30, and the pay of police of Kauai, Maui and Oahu, and the pay of jailors, guards, etc., for the month of May last (the May bills under the other appropriations not yet being all in) show, for these ten months and as far as the bills are in for the last month, that the aggregate expenses of the department have been $5,042.38 less than the pro rata of the appropriations in the aggregate.

I am gratified in noting under the appropriation for coroners' inquests that, as the result of the careful study and economy which we had to give this matter, the expenses for the ten months ending April 30, were $52.41 less than the pro rata of the appropriation.

I am also gratified to note that in spite of the great increase of criminal business, the prolonged sessions of grand juries, and the many extended and special terms of the Circuit Court, that the expenses for witnesses in criminal cases for the ten months ending April 30, have exceeded the pro rata of the appropriation only $27.69, or about $2.77 per month.

During the ten months ending April 30, 1902, and since, the appropriation for incidentals, civil and criminal expenses—which the last legislature cut down—has been subjected to extraordinary demands. The transition cases, so called; the prolonged sessions of grand juries; the extended and special terms of court, several terms of court being held at the same time in different parts of the Territory, thus requiring the employment of extra help in conducting the criminal business of the department; the large interests of the Territory in the litigation of fishing rights also making the employment of outside counsel necessary; the extraordinary amount of opinion and office work incident to the transition from an independent nationality to a Federal Territory, making it impossible for the head of the department to do any considerable amount of court work; outlays incident to installing the Gamewell police alarm system, etc.—all these things have combined to subject the appropriation for incidentals to emergencies which the legislature could not have taken into account.

During the ten months ending April 30, 1902, the expenses for civil and criminal incidentals have exceeded, upon the average, the pro rata of the appropriation therefor at the rate of $222.11 per month. It will be necessary for us to cut down our expenses under this appropriation about $400.00 per month. Our pro rata under this appropriation is $1250.00 per month. If we can save out of this appropriation about $200.00 a month, I think we shall be able in spite of the extraordinary demands on the department to finish our biennial period without having to ask the legislature to make up a single dollar of deficiency under any appropriation of the department. I am very anxious to do this, if it can be done in justice and without prejudice to the public service.

I am sending a letter of like tenor herewith to each of the sheriffs.

Very sincerely yours,
(Signed) E. P. DOLE,
Attorney General.

SUPREME COURT DECIDES AGAINST WALTER G. SMITH

(Continued from page 4.)

charged that the petitioner "did make and publish for circulation" the matter referred to and, perhaps, that he knowingly published an unfair report of the proceedings and malicious invectives, etc. It did not, directly or indirectly, charge a publication or circulation by the petitioner or by any one else in the court room or in the court house. Thus far, then, the mittimus shows a conviction of a constructive contempt only.

The Cuddy case (131 U. S., 280) is distinguishable from that at bar. In the former the finding of the lower court was that the petitioner "did approach" a certain juror with a view to influencing him. The record in the habeas corpus proceedings was entirely silent as to the place where the juror was approached. The words used in the finding were consistent with the theory that the act was committed in the presence of the court as well as with the theory that it was not committed in the presence of the court. The Supreme Court held that under those circumstances the presumption was that the court found the juror was approached in the presence of the court and that therefore the sentence was valid. In the case at bar, on the other hand, the record shows affirmatively, as it seems to me, that the acts charged were committed elsewhere than in the court rooom or court house. The language of the affidavit adopted and made a part of the judgment and mittimus, is to be read in its ordinary acceptation. So read, it means, if it means anything, that the making and publishing was away from the court house. When one says that the "Advertiser" is "a newspaper printed, published and of general circulation within Honolulu," and that in the name of a certain day the said newspaper and its "office and servants did make and publish for circulation" certain matter, he certainly does not mean that it was in the court room or court house that the editor and others did so make and publish for circulation. The language used seems to me to be incapable of such a construction.

The next and last recital of the mittimus in the case at bar is as follows: "And whereas the said Walter G. Smith was guilty of a contempt of this court by publishing and printing a certain false, scandalous, malicious and defamatory statement accompanied by a printed picture or cartoon, which said statement and cartoon had especial reference to the case of the Territory of Hawaii vs. William McCarthy and to the conduct and judicial acts of the judge presiding on the trial of said cause, which said false, scandalous, malicious and defamatory statement and printed picture or cartoon was circulated and published in the court room, in the court house in Honolulu during the trial of the cause of the Territory of Hawaii vs. William McCarthy, which said publication was calculated to prejudice and did prejudice the minds of the jury and prevent a fair and impartial trial of the issues involved in said case, and is calculated to obstruct and did obstruct the Circuit Court in the administration of justice and in its duties in the trial of said cause which was then and is now pending and undetermined." Of this it is to be observed that it is not a recital of a conviction or of an adjudication of guilt, but merely that Smith was guilty. The mittimus, however, is not the judgment or verdict; it is merely a formal order issued to the sheriff reciting that a certain judgment or verdict has been theretofore rendered and sentence passed and directing the execution of such sentence. It is not sufficient that the mittimus recite that the accused was guilty but it must show on its face that he has been adjudged guilty by a jury or by the court, as the case may be. In other words, even though an accused is guilty, a conviction or judgment to that effect by a competent tribunal is necessary to support a sentence or the execution thereof. Without such conviction or judgment, the sentence and order of execution would be invalid. "But it is clear that a general order to imprison a party unless he has been convicted either by a jury or by the court is a mere nullity. The law requires that before a sentence of imprisonment shall be passed against a party, he should first be convicted of an offense. In ordinary cases, this conviction must be by the verdict of a jury. In the case of contempts, it may be by the judgment of the court. Still, in either case, the record must show a conviction. Now it will be seen from this return that there is no judgment of imprisonment for a contempt generally, or for a contempt in refusing to answer questions. There is not any conviction or adjudication by the court that Mr. Adams had been guilty of a contempt. Without such judgment the court had no right to commit him to prison, nor the sheriff to detain him. It is true, and was admitted on the argument, that Mr. Adams did refuse to answer questions asked by the grand jury, and it may be true that the court considered that a contempt for which he deserved imprisonment, but no such judgment has been rendered in the case; and however many contempts the prisoner may have committed, it is not lawful to imprison him until convicted thereof by the judgment of the court, which judgment and conviction must appear by the record." Exparte Adams, 25 Miss., 892 (59 Am. Dec., 234, 242, 243). "So that it appears that there has been no adjudication that petitioner and his associates have been guilty of a contempt. If this be true, then the commitment, occupying as it does the place of an execution, has no basis on which to rest. For it is the judgment and not the mittimus by virtue of which the party committed is detained. People ex rel. vs. Baker, 89 N. Y., 460. Unless the record shows a judgment of conviction of contempt, a petitioner may avail himself of the remedy provided by habeas corpus." Ex parte O'Brien, 127 Mo., 477, 488, 489. See also Ex parte Van Sandau, 1 Phillips, 604, 606, 607; People vs. Bennett, 4 Paige, 282; In re Blair, 4 Wis., 521; Sherwood vs. Sherwood, 32 Conn., 1.

Assuming, however, that the language used can be held to be an averment of a conviction or judgment of guilty of the offense there stated, * * * such offense so recited is, so far as the petitioner is concerned, a constructive and not a direct contempt. The recital is that "Walter G. Smith was guilty of a contempt of this court by publishing and printing" a certain statement and cartoon, "which said * * * statement and * * * cartoon was circulated and published in the court room in the court house in Honolulu during the trial * * *" This is not a statement that the matter was circulated and published in the court room or caused to be so circulated and published by Smith; it is not a recital of a conviction of Smith for contempt by "publishing and printing" and by "circulating and publishing in the court room." In my opinion, as stated above, the printing and publication generally away from the court room may have been by Smith and the circulation and publication in the court room may have been by others for whose acts Smith would not be criminally responsible.

It may be remarked in this conection that it is not to be presumed that the court or the clerk issuing the mittimus intended or attempted to make therein an untrue or incorrect recital as to what the conviction or judgment was; and if it had been intended or attempted to state in the mittimus that the petitioner had been convicted or adjudged guilty of circulating and publishing in the court room, such statement would have been untrue and incorrect. After the introduction of the evidence, Circuit Judge Humphreys (the three judges of the Circuit Court sat together during the proceedings, but in what capacity or whether legally or otherwise I need not say), delivered the opinion of the judges or of the court and in concluding said: "It is the unanimous opinion of the judges of this court that the defendant should be held guilty as charged in the complaint herein." Following him Judge Gear, presiding at the term, said: "The judges have unanimously decided that this matter published has constituted a contempt of court as charged in the complaint or affidavit and I therefore find and adjudge you guilty of contempt of court as alleged and set out in the affidavit on file and ask you now if you have any reason to offer why sentence should not be passed upon you. * * * And I will state now that the court has considered with both the other judges and come to the conclusion as to a proper sentence to be pronounced, having taken that into consideration in extenuation of the offense, and it is therefore the judgment of this court that you be and you are hereby adjudged guilty of contempt of court as set forth in the affidavit, and you are sentenced to imprisonment in Oahu Jail for the period of three days without hard labor." Clearly the adjudication of guilt was of the offense charged in the affidavit and that, as already stated, was a constructive contempt only and not a circulation or publication in the court room.

Going still further, and assuming that the paragraph of the mittimus in question is a recital of a conviction of Smith of a contempt by printing and publishing and by circulating and publishing in the court room, and assuming that such finding of the court below cannot be disturbed on habeas corpus even though there be no evidence to support it, I am of the opinion that the sentence and mittimus are invalid because the court had no jurisdiction to impose the one or issue the other in the absence of a conviction or judgment of guilty of that offense (this, of course, in view of my conclusion, to be hereafter stated, that the Circuit Courts of this Territory have no authority to punish for constructive contempts). The authorities above cited sufficiently cover this point. The principle is the same where the conviction is of an offense which the court has no jurisdiction to punish and the sentence and mittimus are for another and different offense, as where there is no conviction or judgment at all.

Has the Circuit Court of the First Circuit power to punish for constructive contempt? Under this head several questions have been presented and argued.

In August, 1888, the legislature of the monarchy passed an act (Chap. 42, Laws of 1888) the second section of which reads as follows: "Constructive contempts shall not hereafter be punishable as such." This language, taken by itself, is plain—so plain as to leave no room for construction. It is contended, however, that read in connection with the two other sections of the statute, and in view of the causes that led to its enactment, it must be construed to refer to such only of constructive contempts as are mentioned in section 1. The latter section reads: "The publication of proceedings before any court or judge shall not be deemed to be contempt, nor shall such publication be punishable as contempt;" and section 3: "The terms of this act shall apply to the publication of all proceedings in all courts, or before all judges, hitherto had, now pending or which may hereafter be brought." In my opinion, sections 1 and3 do not contain sufficient to justify the limitation sought to be placed upon the plain language of section 2. If the words, "constructive contempts" used in section 2, were intended to refer solely to the "publication of proceedings," mentioned in section 1, then section 2 is pure repetition and wholly superfluous. Section 1 of itself provides that such publication shall not be deemed to be contempt and further that such publication shall not be punishable as contempt. Under the circumstances, the presumption, if any, is that the legislature did not repeat unnecessarily and that it intended to include in section 2 something not already included in section 1. The presumption is further that the legislature in using the word "constructive," knew distinction between constructive and direct contempts. The purpose of section 3 evidently was to provide that the proceedings permitted by the act, to wit, by section 1, to be published, included all proceedings, in whatever court and at whatever times had.

In enacting this statute the legislature doubtless had in mind certain cases then recently decided by the Supreme Court but it is a mistake to suppose that those decisions were simply to the effect that the publication of proceedings was a constructive contempt and punishable as such. Such indeed was the ruling in Smith vs. Aholo, supra, decided in April, 1887; but in Ackerman vs. Congdon, supra, decided in January, 1887, the publication held to be a constructive contempt was, not of proceedings, but of newspaper comments or expressions which were deemed to be such as tended to influence the result of a pending suit. The same is true of the publication, held to be contempt, in King vs. Lee Fook, 7 Haw., 249 (decided at the February term, 1888, just before the legislature convened). It was not of proceedings but of matter tending to prejudice the right of the defendant to a fair and impartial trial. So far as history is concerned, then, there is good reason for believing that the legislature meant what it said, i. e., to prohibit thereafter the punishment as such of constructive contempts (which means any or all constructive contempts), and not merely of some constructive contempts.

In the case entitled In re Bush, 8 Haw., 221, the court construed the statute differently, holding that by "constructive" contempts the legislature meant those only which were not enumerated in section 257 of the Penal Laws. With respect, it seems to me that there is no sufficient ground for so construing the statute. It is contended that this court must now follow that decision because of the rule that where a statute, which has received a judicial construction, is re-enacted in the same or substantially the same terms, that is to be deemed a legislative adoption of such construction. The re-enactment here referred to is that contained in the Organic Act. The question is one as to the intention of Congress in passing the Organic Act, and this intention is to be ascertained from a reading of the Act as a whole. Section 6 provides "that the laws of Hawaii not inconsistent with the constitution or laws af the United States or the provisions of this Act shall continue in force, subject to repeal," etc. "Continue in force" means "be of the same force," not more and not less, after as before the time stated. Section 81 provides that "until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided." Before the Organic Act went into effect the Supreme Court had jurisdiction and authority to overrule any of its former decisions, with possibly some exceptions, real or apparent but not here material, and the act of 1888 was open to construction by the court and subject to having any former construction modified if to the court it should seem right and just to do so. In my opinion, Congress intended by the Organic Act to continue the same powers in this court in this respect which it theretofore had and the rule of construction contended for does not apply in this case. In so far, then, as the court in the Bush case held to the contrary on the subject of the construction of the Act of 1888, it should be overruled.

It is also contended that section 257 of the Penal Laws, which defines certain acts to be contempts, sets forth in the enumeration certain constructive contempts, that therefore if section 2 of the Act of 1888 is construed to include constructive contempts other than the publication of proceedings, that act would by implication repeal section 257 in part, and that repeals by implication are not favored, her peculiarities there may be such repeals and they are to be given effect where the language and intent are clear.

The argument that the restriction contained in the Act of 1892 does not apply to the Circuit Court of the First Circuit because said court was not then in existence, is not sound. The provision clearly is sufficiently broad to apply to courts thereafter created as well as to courts then in existence. The mere fact that the statute existed before the court was created does not exclude it. The legislature made use of general language for the purpose, as it would seem, of applying the act not only to existing courts but to any that might thereafter be created." Middlebrook vs. State, 43 Conn., 257.

Was the Act of 1888 unconstitutional? The constitution in force at the time of its enactment was that of 1864, Article 51 of which was as follows: "The judicial power of the Kingdom shall be vested in one Supreme Court, and in such inferior courts as the legislature may from time to time establish." Article 66 reads: "The judicial power shall be divided among the Supreme Court and the several inferior courts of the Kingdom, in such manner as the legislature may from time to time prescribe, and the terms of office in the inferior courts of the Kingdom shall be such as may be defined by the law creating them." The Circuit Court of the First Circuit was created by the legislature under that provision of the constitution. It was, under the monarchy and the republic, a legislative as distinguished from a constitutional court, and it was competent for the legislature which created it to define or limit its powers in the matter of contempts. "The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2d, 1831. The act, in terms, applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the constitution, may perhaps be a matter of doubt. But that it applies to the Circuit and District Courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The Act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officer of the courts in his official transactions; and third, where there has been disobedience or resistance by any officer, party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. As thus seen the power of these courts in the punishments of contempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to enforce obedience to their lawful orders, judgments and processes." Ex parte Robinson, 19 Wall., 505, 510, 511. See also Ex parte Buskirk, 72 Fed., 19; Ex parte Poulson, Fed. Cs., No. 11,350; State vs. Kaiser, 20 Or., 57. Whether or not the Act of 1888 applied at the time of its enactment or applies now to the Supreme Court, is another question. Even if it did not so apply, still it was constitutional as to the inferior courts. See Robertson vs. Pratt, 13 Haw., 590.

The Act of 1888, being valid at the time of its enactment and in force at the date of the Organic Act, was continued in force by section 6 of the latter act.

It is contended that the Organic Act is the constitution of this Territory, that since in section 81 it is provided "that the judicial power of the Territory shall be vested in one Supreme Court, Circuit Courts and in such inferior courts as the legislature may from time to time establish," the Circuit Court of the First Circuit is a constitutional court, and that therefore its powers to punish for contempt cannot be limited. If, however, we are to regard the Organic Act as our constitution and as the instrument by which the Circuit Court was created, then it is also true that the limitation of authority was by the same instrument and by the same power which created the Circuit Courts. Surely the power, whether it be the people directly or Congress, which grants a constitution and thereby creates a court, may also define or limit the powers of that court. It may even legislate it out of existence.

My conclusion is that section 2 of the Act of 1888, in its application to the Circuit Court of the First Circuit is constitutional, valid and in force. Nor is the restriction thereby placed upon that court a novel one. The citations already made disclose some instances of similar limitations elsewhere; for other instances see Laws of Pa., Duplicate, 1835, 1836, p. 793; Throop's Ann. Code of Civ. Pro. (N. Y.), par. 8, p. 6; Galland vs. Galland, 44 Cal., 475, 478. "The force of public opinion in this country, in favor of the freedom of the press, has restrained the free exercise of the power to punish this class of contempts" (constructive), "and in many jurisdictions statutes have been enacted depriving the courts of the power to punish them." Itapalje, Contempts, Sec. 56.

In my opinion, the sentence and commitment, if for a constructive contempt, are illegal and invalid for lack of jurisdiction on the part of the court to impose such sentence or order such commitment, no judgment of guilty of such offense having been rendered. The petitioner should be discharged.

GREAT OVATION FOR GOVERNOR

Governor Dole is expected to return by the Alameda, which is due here today. The Government tug Eleu has been chartered by E. A. Mott-Smith, who has invited a number of people to go out to meet the steamer, accompanied by the Territorial band. The party will include prominent officials, business men and members of the press.

Admiral Merry's launch will also go out to the Alameda and will take the chief executive of the Territory ashore. On landing a salute will be fired from the naval battery. It is expected that the vessels in the harbor will display their flags and that everything will be done to make the ovation to the Governor as complete as possible.

HAS LITTLE TANNIN

Expert Reports On The Lantana Plant.

Jared G. Smith, special agent in charge of the United States experiment station, has received a report from the department at Washington, upon the lantana sent there by him some time ago.

The report, which is made by William H. Krug, chief of the dendrochemical laboratory, shows that there is but a very small proportion of tannins in the lantana. Mr. Smith thought that perhaps the lantana might be of use commercially for tanning purposes, but this analysis indicates that there is not sufficient of the tannins in the plant to pay for its extraction.

A new idea is, however, opened up by Professor Krug, who suggests the possibility of medicinal properties in the plant, and inquires if the lantana has ever been used for such purpose. Though the whites here know very little of the medicinal qualities of the shrub, it is reported that natives have been using at least the lantana flowers as medicine. It is said by some physicians that a concoction made from the flowers, if given in small quantities, will drive a man insane, and there are reported to be several cases at the Oahu insane asylum now, resulting from the use of the drug. Hawaiian Kahunas also are said to use lantana in their concoctions.

The analysis made by the Government expert covers the roots, stems, leaves and flowers, and is shown in the following report:

Washington, D. C., May 15, 1902.

Mr. Jared G. Smith, Hawaii Experiment Station, Honolulu, Hawaii:

Dear Sir:—The specimens of lantana camara submitted by you have been examined in this laboratory. The roots, stems and leaves were analyzed separately and the parts corresponding to the numbers in the table given below are as follows:

Dn. 619 — Mature plant ..... roots.
Dn. 620 — Mature plant ..... stems.
Dn. 621 — Mature plant ..... leaves.
Dn. 622 — Young plant ..... roots.
Dn. 623 — Young plant ..... stems and tops.
Dn. 624 — Young plant ..... leaves.

The following results were obtained:

	Dn. 619	Dn. 620	Dn. 621	Dn. 622	Dn. 623	Dn. 624
	pc.	pc.	pc.	pc.	pc.	pc.
Moisture	7.11	7.88	6.84	11.12	10.01	4.11
Total soluble matter	15.28	8.95	20.32	26.44	28.06	13.97
Soluble soluble matter	15.41	9.90	20.31	26.44	28.06	14.19
Ash	8.56	5.65	19.82	24.39	25.02	12.85
Non-tannins	1.37	1.90	1.66	2.05	1.94	2.26
Available tannins	14.16	7.99	17.93	22.39	23.08	11.93
Ash	1.95	1.91	2.50	2.05	2.28	1.91
	2.37	3.94	12.05	6.61	2.26	4.11

These data show that no part of this plant has any value as tanning material. I should be glad to know if it is used medicinally by the natives as the high percentage of soluble matter present in the young plant suggests the possible presence of some active constituents.

Yours very truly,
WILLIAM H. KRUG,
Chief, Dendro-Chemical Laboratory.

Guy Owens left his horse and buggy in front of Harmony Hall, while attending a meeting, last night, and some one drove away with the rig. Up to a late hour it had not been found.

John Hassinger was reported in a low condition last night.

BY AUTHORITY.

NOTICE TO CREDITORS.

THE UNDERSIGNED, HAVING been appointed administrator of the estate of Agnes Nane Kalua, late of Waiehu, Maui, deceased, hereby gives notice to all persons having claims against the estate of said Agnes Nane Kalua, to present the same to him at his office in the Judd building, Honolulu, Oahu, within six months from the date of the first publication of this notice or they will be forever barred.

Dated May 12th, 1902.

WILLIAM O. SMITH,
Administrator of the Estate of Agnes Nane Kalua, Deceased. 6184

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE MORTGAGE AND OF SALE.

IN ACCORDANCE WITH A POWER of sale contained in that certain mortgage made by Caroline Ane Ah Buck and Ah Buck, her husband, to Patrick Gleason, dated May 29th, 1895, recorded in the Register Office, Oahu, in Liber 186, pp. 23-4-5, notice is hereby given that the said mortgagee intends to foreclose said mortgage for condition broken, to wit, the non-payment of principal and interest when due; and upon said foreclosure will sell at public auction at the sale rooms of Will E. Fisher, in Honolulu, on Friday, the 30th day of June, A. D. 1902, at 12 o'clock m. of said day, the premises described in said mortgage as below specified.

Further particulars can be had of J. A. Magoon, T. J. Dillon or J. Lightfoot, attorneys-at-law, Magoon block, corner Alakea and Merchant streets, Honolulu.

PATRICK GLEASON,
Mortgagee.

PREMISES DESCRIBED IN MORTGAGE.

First.—All the land situate in Kailua, Koolaupoko, Island of Oahu, described in Royal Patent 2296 Kuleana 2765, containing an area of 3 acres 3 38-100 square chains.

Second.—All the land situate in said Kailua described in Royal Patent 1362, Kuleana 2782, containing an area of 3.55 acres.

2388—May 30—June 6-13.

LOST

CERTIFICATE NO. 21, FOR 14 shares of stock of Hawaiian Fruit and Plant Co. Ltd., issued February 21, 1899, in the name of A. W. Eames, has been lost. Transfer of the same has been stopped, and all persons are warned against purchasing same.

A. W. EAMES.

2386—May 23-30, June 6.

EXECUTICE NOTICE.

Notice is hereby given that June 11th, Kamehameha Day, being a legal holiday, all government offices throughout the Territory will be closed.

The 14th day of June, being the 125th anniversary of the adoption of the national ensign by Congress and the second anniversary of the admission of Hawaii as a Territory, will be observed as "Flag Day," and the national ensign displayed on all public buildings. Government offices will be closed and the public is invited to join in the observance of the day.

HENRY E. COOPER,
Acting Governor.

Capitol, Honolulu, June 5th, 1902.
6188

HONOLULU STOCK EXCHANGE.

Honolulu, June 5, 1902.

NAME OF STOCK	Capital	Val	Bid	Ask
MERCANTILE				
C. Brewer & Co.	1,000,000	100	.....	400
N. S. Sachs' Dry Goods Co., Ltd.	60,000	100	.....	.....
L. B. Kerr Co., Ltd.	200,000	50	.....	.....
SUGAR				
Ewa	5,000,000	20	24	.....
Haw. Agricultural Co.	1,000,000	100	.....	210
Haw. Com. & Sug. Co.	2,312,750	100	.....	.....
Haw. Sugar Co.	2,000,000	20	22	23½
Honomu	750,000	100	110	117½
Honokaa	2,000,000	20	10	.....
Hutchinson	500,000	100	.....	120
Kahuku	500,000	20	23½	24
Kihei Plan. Co., L'd.	2,500,000	50	.....	103¾
Kipahulu	160,000	100	.....	.....
Kolos	800,000	100	.....	140
McBryde Sug. Co. L'd.	3,500,000	20	5	6¼
Oahu Sugar Co.	3,000,000	100	88	.....
Onomea	1,000,000	20	24	.....
Ookala	500,000	20	.....	.....
Olaa Sugar Co. Ass.	812,000	20	.....	23½
Olaa Paid Up.	2,500,000	20	.....	103½
Olowalu	150,000	100	.....	130
Pasuhau Sugar Plantation Co.	5,000,000	50	10	.....
Pacific	500,000	100	.....	210
Paia	750,000	100	.....	.....
Pepeekeo	750,000	100	.....	170
Pioneer	2,750,000	100	.....	75
Waialua Agr. Co.	4,500,000	100	59	62
Wailuku	700,000	100	.....	.....
Waimanalo	252,000	100	152½	.....
Waimea	125,000	100	.....	75
STEAMSHIP CO'S				
Wilder S. S. Co	500,000	100	.....	109
Inter-Island S. S. Co.	500,000	100	.....	109
MISCELLANEOUS				
Haw'n Electric Co.	250,000	100	87½	.....
Hon. R. T. & L. Co.	250,000	100	.....	.....
Mutual Tel. Co	39,000	10	.....	.....
O. R. & L. Co.	2,000,000	100	85	87½
BONDS				
Haw. Govt. 5 p. c.	.....	.....	95	.....
Hilo R. R. Co. 6 p. c.	.....	.....	.....	100
Hon. R. T. & L. Co. 6 p. c.	.....	.....	.....	.....
Ewa Pl'n 6 p. c.	.....	.....	101	.....
O. R. & L. Co.	.....	.....	.....	105
Oahu Pl'n 6 p. c.	.....	.....	.....	.....
Olaa Pl'n 6 p. c.	.....	.....	.....	.....
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South African Situation.

NEW YORK, May 27.—The reassembling of parliament has done little toward clearing the situation in South Africa, says a Tribune dispatch from London. A languid house listened to non-committal explanations. A suggestion that the king is so anxious to have peace before the coronation that he is bringing pressure to bear upon the ministers to make large concessions to the Boers is scouted in official circles. The king is described as not less patriotic than his mother was, and equally mindful of the obligation of a constitutional ruler to be guided by the advice of his ministers. The king can hardly be more anxious for peace than the ministers of the country.